

VZCZCXRO8887

PP RUEHAG RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN RUEHLZ
RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHVJ #0749/01 1010822
ZNR UUUUU ZZH
P 110822Z APR 06
FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 3202
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEKJCS/OSD WASHDC
RUFOAOA/USNIC SARAJEVO
RUETIAA/NSA WASHDC

UNCLAS SECTION 01 OF 02 SARAJEVO 000749

SIPDIS

SIPDIS

DEPT FOR D (SMITH), P (BAME), EUR (DICARLO), EUR/SCE
(ENGLISH, FOOKS, MITCHELL, SAINZ), DRL/PHD (CLAYTON), NSC
FOR BRAUN, OSD FOR FLORY, USNIC FOR WEBER AND GREGORIAN

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BK](#)

SUBJECT: BOSNIA: COURT DECLARES ENTITY SYMBOLS MUST GO

11. Summary: On March 30, the Constitutional Court of Bosnia and Herzegovina (BiH) issued a decision that the Federation flag and coat of arms and the Republika Srpska (RS) coat of arms and anthem are unconstitutional because the ethnically-associated symbols they contain constitute a form of racial/ethnic discrimination. (Note: The Dayton peace accord created two constituent entities (the Federation and the Republika Srpska (RS)) and the independent Brcko District.) The Parliaments of both entities have been given six months to develop new non-discriminatory versions. Bosniaks (Bosnian Muslims) and Croats in the Federation generally welcomed the decision; political leaders in the Republika Srpska reacted strongly and negatively. The Court will consider the RS flag and RS Law on Holidays separately, but is likely to conclude that these too are unconstitutional. End summary.

COURT RULES ETHNIC SYMBOLS UNCONSTITUTIONAL

12. On March 30, the Constitutional Court of Bosnia and Herzegovina (BiH) issued its long-awaited decision on the Federation flag and coat of arms and the RS coat of arms and anthem, declaring all of them to be unconstitutional because the ethnic symbols they contain discriminate against Bosnian Serbs in the Federation and against Croats and Bosniaks in the RS. The current RS flag (identical to the tricolor flag of Serbia-Montenegro) and the RS Law on Holidays, which designates Serb Orthodox religious holidays as official holidays, will be considered separately by the Court. The Court's decision, which is final and binding, gives the entity Parliaments six months to replace the offending symbols with non-discriminatory substitutes. Non-implementation of the decision would constitute a criminal act.

RS SYMBOLS LINKED TO SERBIA

13. The RS coat of arms has a white double-headed eagle and a Cyrillic letter "S" (which resembles the Latin letter "C") in each corner. The four S symbols stand for the nationalist slogan "Only unity saves the Serbs." The RS anthem "Boze pravde" is identical to the Serbian national anthem. The lyrics, in part, are "God, our master; Guide and prosper the Serbian crown and Serbian race." Both the coat of arms and the anthem were introduced by the wartime government of former RS President (and fugitive war crimes indictee) Radovan Karadzic. Bosniaks and Croats, especially those who are minority returnees to the RS, have long objected to the use of these symbols and slogans. Non-Serbs in the RS strongly associate these symbols with the wartime regime that carried out genocidal acts against their communities during

the 1992-1995 conflict.

FEDERATION COMPROMISE DESIGN EXCLUDES SERBS

¶4. The Federation coat of arms and flag incorporate the red-and-white checkerboard pattern associated with Croats, the lily symbol associated with Bosniaks and the image from the EU flag of yellow stars on a blue background. However, there is no symbolic representation of the Serb people; for that reason, the Court also found the Federation's symbols unconstitutional. Federation political leaders generally praised the Court's decision and agreed on the need to develop a new flag.

STRONG REACTIONS FROM RS LEADERS

¶5. The Court's decision provoked a strong backlash from RS political leaders. RS Prime Minister Milorad Dodik pronounced the decision "totally unacceptable," and, in a defiant mood, challenged anyone who might try to remove the coat of arms from his office. RS President Dragan Cavic, who is also president of the nationalist Serb Democratic Party (SDS), said that the Court's ruling is seen as another incident in a series of attacks on the Serb people in BiH, and that it would lead to increasing political radicalization. Both Cavic and Dodik hinted that the ruling could have a negative impact on the future course of police reform and constitutional reform. In an April 4 meeting, the RS political leadership called for the Court to reexamine its ruling. In their public comments, RS political leaders ignored the fact that the Court's decision will also force the Federation to create public symbols that are inclusive of the Serb population.

DIVERSE PUBLIC REACTIONS

SARAJEVO 00000749 002 OF 002

¶6. While many politicians have commented on the decision, public reaction in both entities has been muted to date. The director of the Helsinki Committee of the RS, Branko Todorovic, said that he believed the Court's ruling was purely a political decision, and he questioned the credibility of the President of the Constitutional Court, Mate Tadic, who is currently on trial in State Court for bribery and corruption charges. Todorovic observed that the ruling would likely further radicalize political life in the RS, and that he believed it would have a negative impact on the overall reconciliation process. However, Bosniak returnee and Speaker of the Municipal Assembly in Bratunac Refik Begic had a completely different opinion about the Court's decision. In his view, if implemented, the decision would help Bosniaks and Croats in the RS to feel they are more welcome in their prewar municipalities and that they are full citizens with equal rights.

COMMENT

¶7. The Constitutional Court's decision declaring the entities' symbols unconstitutional is a long-awaited step toward the further integration of the Bosnian state. The predictably negative reactions of RS political leaders are another manifestation of their ongoing efforts to take the public's attention away from the real issues that burden the RS, including unemployment and poverty. RS leaders have also conveniently overlooked that the Court's decision affects the Federation as well, and will arguably bring positive improvements in the status of Serbs in the Federation. As pre-election campaigning heats up between now and October, this may be a first signal that nationalist politics will increasingly dominate the political scene in the RS. End comment.

MCELHANEY